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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

ANN OLSEN

Plaintiff,

v.

COLLECT AMERICA COMMERCIAL
SERVICES, INC.

Defendants

Case No.

COMPLAINT FOR VIOLATIONS OF
FAIR DEBT COLLECTION
PRACTICES ACT

JURY REQUESTED

JURISDICTION

1. Jurisdiction of this Court arises under 28 U.S.C. § 1331 and pursuant to 15 U.S.C. §1692k(d).
2. This action arises out of Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. ("FDCPA").
3. Venue is proper in this District because the acts and transactions occurred here, Plaintiff resides here.

PARTIES

4. Plaintiff Ann Olsen (hereinafter “Plaintiff”) is a natural person who resides in the City of Salem, State of Oregon, and is a “consumer” as that term is defined by 15 U.S.C. § 1692a(3).

5. Defendant Collect America Commercial Services, Inc. (hereinafter “Defendant”) operating from an address of 16011 College Blvd. Suite 101 Lenexa, KS 66219 is a “debt collector” as that term is defined by 15 U.S.C. § 1692a(6).

FACTUAL ALLEGATIONS

6. In June 2009 Plaintiff’s son sold a laptop on Ebay using Plaintiff’s Ebay account.

7. The laptop was purchased by the winning buyer using the name of Geoctober. Geoctober paid for the laptop through Paypal for \$550.00 and Plaintiff’s son received the funds.

8. Shortly after receiving the laptop, Geoctober e-mailed Plaintiff claiming the wrong wall adapter/charger had been sent with the laptop. Plaintiff’s son had mailed a compatible charger with the laptop, but it was not the same name brand adapter that coincided with the computer.

9. In good faith, Plaintiff’s son mailed the brand name adapter to Geoctober.

10. On or about July 2009 Geoctober opened a case against Plaintiff with Ebay.

11. Paypal refunded Geoctober the funds for purchasing the laptop. Geoctober received the refund and kept the laptop and both adapters.

12. Due to Paypal refunding Geoctober Plaintiff’s Paypal account was now in the negative by \$550.00.

13. Plaintiff’s son tried to contact Geoctober to return the funds to Paypal or to return the laptop. Plaintiff’s son received no answer from Geoctober.

14. PayPal sold, assigned, or transferred the debt to Defendant.

15. On or about August 28, 2009 Plaintiff received a phone call from Defendant asking what Plaintiff's intentions were for paying off the debt to Paypal. Plaintiff explained the situation to Defendant and stated they needed to contact Geoctober.

16. Defendant further claimed to Plaintiff that the bank had given Geoctober the money and it was her responsibility to pay back the bank. Plaintiff tried explaining again to Defendant that Geoctober had the laptop and the refunded \$550.00. During the conversation Defendant stated they knew that Geoctober had both the product and the money. Defendant further claimed that if Plaintiff didn't pay this immediately her credit rating would be ruined.

17. As a direct and proximate result of Defendant's actions Plaintiff has suffered actual damages in the form of emotional distress, anger, anxiety, worry, frustration, among other negative emotions.

TRIAL BY JURY

18. Plaintiff is entitled to and hereby respectfully demands a trial by jury. US Const. amend. 7. Fed. R. Civ. Pro. 38.

CAUSES OF ACTION

COUNT I.

VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT

15 U.S.C. § 1692 *et seq.*

19. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

20. The foregoing acts and omissions of defendant constitute numerous and multiple violations of the FDCPA including, but not limited to, 15 U.S.C. § 1692d, 1692d(2), 1692e,

1692e(2)A, 1692f.

21. As a result of defendant's violations of the FDCPA, plaintiff is entitled to actual damages pursuant to 15 U.S.C. § 1692k(a)(1); statutory damages in an amount up to \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A); and, reasonable attorney's fees and costs pursuant to 15 U.S.C. § 1692k(a)(3).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that judgment be entered against defendants for:

COUNT I.

VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT

15 U.S.C. § 1692 *et seq.*

for an award of actual damages pursuant to 15 U.S.C. § 1692k(a)(1) against each and every defendant;

for an award of statutory damages of \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A) against each and every defendant;

for an award of costs of litigation and reasonable attorney's fees pursuant to 15 U.S.C. § 1692k(a)(3) against each and every defendant;

DATED: October 12, 2009

/s/ Eric Olsen OSB# 783261 for
Keith D. Karnes, OSB # 03352
503-362-9393
Attorney for Plaintiff